

AMENDED IN SENATE APRIL 21, 2003

AMENDED IN SENATE APRIL 3, 2003

AMENDED IN SENATE MARCH 26, 2003

AMENDED IN SENATE MARCH 12, 2003

## SENATE BILL

**No. 88**

### Introduced by Senator Chesbro

January 27, 2003

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An act to add Section 23399.6 to the Business and Professions Code, relating to alcoholic beverages.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 88, as amended, Chesbro. Alcoholic beverages: permits: winegrowers.

Existing law permits the Department of Alcoholic Beverage Control to issue special temporary licenses and permits to various entities for limited purposes.

This bill would permit the department to issue a wine sales event permit to allow a licensee under a winegrower's license to sell bottled wine that is produced by the winegrower at an approved event held by a tax-exempt organization, *as specified*, for not more than 5 consecutive days.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 23399.6 is added to the Business and Professions Code, to read:

23399.6. (a) Any licensee under a winegrower's license may apply to the department for a wine sales event permit. The wine sales event permit shall authorize the sale of bottled wine produced by the winegrower at festivals, county fairs, civic or cultural celebrations or similar events approved by the department. The sale of the wine ~~may~~ *shall* not be the primary purpose of the event. The permit shall be valid for a maximum of five consecutive days during the event period. The ~~events~~ *event* shall be ~~sponsored by an organization that is exempt from taxation, as described in Section 23701 of the Revenue and Taxation Code.~~ *sponsored by an organization that is exempt from taxation as one of the following:*

(1) *An organization described in Section 23701a of the Revenue and Taxation Code.*

(2) *A corporation or community chest or trust, organized and operated exclusively for religious, charitable, or educational purposes only, pursuant to Section 23701d of the Revenue and Taxation Code.*

(3) *An organization described in Section 23701e of the Revenue and Taxation Code.*

(4) *A veterans' organization described in Section 23701w of the Revenue and Taxation Code.*

(b) (1) The department shall notify the city, county, or city and county where the special event, for which the permit is issued, is to be held within five calendar days from the receipt of the application for the permit.

(2) The local agency receiving the notification from the department may object to the issuance of the permit. If the local agency objects to the issuance of the permit, ~~they~~ *it* shall transmit that objection to the department within 15 calendar days of receipt of the notice from the department.

(3) The department shall make the determination with regard to the issuance of the permit within five calendar days of receipt of any objection from the local agency or within 30 calendar days from receipt of the application for the permit, whichever comes first.

- 1 (c) The fee for the permit shall be fifty dollars (\$50).
- 2 (d) All money collected as fees pursuant to this section shall be
- 3 deposited in the Alcohol Beverage Control Fund, as described in
- 4 Section 25761, for allocation, upon appropriation by the
- 5 Legislature, as provided in subdivision (d) of that section.
- 6 (e) The department may adopt any regulations as it determines
- 7 to be necessary for the administration of this section.

